

PROB 12B  
(7/93)

**United States District Court**

**for**

**District of New Jersey**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Wayne Calabretta

Cr.: 05-00519-01

PACTS Number: 43107

Name of Sentencing Judicial Officer: Honorable Dickinson R. Debevoise  
United States District Judge

Date of Original Sentence: 09/24/07

Original Offense: Bank Fraud

Original Sentence: Imprisonment - 12 months and one day; Supervised Release - 5 years; Restitution - \$107,742.33; Special Assessment - \$100

Type of Supervision: Supervised Release

Date Supervision Commenced: 11/17/08

**PETITIONING THE COURT**

- ☐ To extend the term of supervision for \_\_\_\_\_ Years, for a total term of \_\_\_\_\_ Years.  
☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

Wayne Calabretta is unable to pay the minimum monthly restitution payment installment established by the Court on September 24, 2007. With the Court's approval, Wayne Calabretta will continue under supervision and will be required to make monthly restitution payments of not less than \$250 toward the court ordered restitution obligation.

**CAUSE**

Wayne Calabretta, age 56, is experiencing financial difficulties. He resides with his wife, who is presently unemployed due to providing home health care for her ailing mother. The offender is the sole financial support for the household and as of March 2009, he was unable to continue making \$500 per month payments. Alternatively, as of April 2009, the offender began making monthly restitution payments of \$250 per month. Upon reviewing an updated Personal Financial Statement, the Probation Office concurs that this reduced payment is commensurate with the offender's current ability to pay. We are recommending that the monthly required restitution payment be reduced to \$250 per month. Assistant U.S. Attorney Zach Intrater concurs with our recommendation. With the Court's approval, Wayne Calabretta will continue under supervision and make monthly restitution payments of \$250 per month.

Respectfully submitted,

  
By: Carolyn S. Johnson

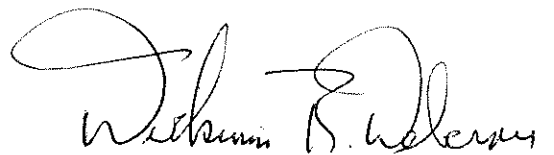
U.S. Probation Officer

Date: 07/31/09

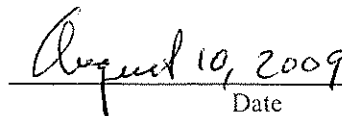
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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above  
☐ The Extension of Supervision as Noted Above  
☐ No Action  
☐ Other



Signature of Judicial Officer



Date

PROB 49  
(3/89)

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY**

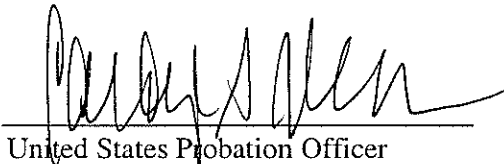
**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall pay restitution in the total amount of \$170,742.33. The restitution is due immediately. In the event that the entire restitution is not paid prior to the commencement of supervision, the defendant shall satisfy the amount due in monthly installments of no less than \$250.

Witness:

  
United States Probation Officer  
Carolyn S. Johnson

Signed:

  
Probationer or Supervised Releasee  
Wayne Calabretta

5/29/09

DATE